

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-23 were pending in the present patent application. By way of this reply, claims 5, 6, 19, and 20 have been cancelled without prejudice or disclaimer. Accordingly, claims 1-4, 7-18, and 21-23 are now pending in the present patent application. Claims 1, 8, and 15 are independent. The remaining claims depend, either directly or indirectly, on claims 1, 8, and 15.

Claim Amendments

Claims 1, 8, and 15 have been amended for clarification. No new matter has been introduced by way of these amendments as support for these amendments may be found, for example, in paragraph [0040] and Figures 6 and 7 of the published specification.

Objection to the Specification

The Examiner objects to page 1 of the specification because of missing serial numbers. (*See* Office Action dated January 3, 2006 at page 2). By way of this reply, paragraphs [0001], [0002], and [0003] of the published specification have been amended to comply with the Examiner's wishes. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1-7 and 15-23 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By way of this reply, independent claims 1 and 15 have been

amended to remove the phrases 'if' and 'or'. Applicant asserts amended independent claims 1 and 15 are definite and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1, 2, 4, 15, 16, and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,654,814 issued to Britton et al. (hereinafter "Britton"). For the reasons set forth below, this rejection is respectfully traversed.

Amended independent claim 1 recites, in part, "retrieving an entry from a list of attributes, said entry selected first according to said type of device and second according to said characteristic when said list does not include an entry that corresponds to said type of device, wherein said entry is presented to the device for use." Amended independent claim 15 has similar limitations. The Examiner has attempted to equate the rules and policies disclosed by Britton with an attribute as recited by the claims. (See Office Action dated January 3, 2006 at page 3). This association is improper because such an association would squarely contradict the limitations recited in amended independent claims 1 and 15.

Britton discloses a system including a server, a client ("device"), and a policy/rule repository. The client can request content from the server. The server accesses the repository and based on the policies/rules in the repository pertaining to the client, the server determines how the requested content should be formatted for the client, and where this formatting should take place. (See Britton at column 9, lines 48-65). It is clear the rules and policies disclosed by Britton, although associated with the client, are not presented to the client ("device") for use. In contrast, an attribute, as recited by the amended claims, is presented to the device for use. In other words, the rules/policies are not the content themselves, but rather used to modify ("tailor") the content that is presented to the client. Thus, the rules and policies disclosed by

Britton are not and cannot be equivalent to an attribute as recited in the claims. Thus, Britton does not disclose each and every limitation of independent claims 1 and 15.

Further, even assuming *arguendo* that Britton discloses an attribute, Britton fails to disclose both the list of attributes and the selection process of an attribute, as recited in the claims. Specifically, Britton does not disclose selecting an entry in the attribute list based on a characteristic when a device type is not available. Thus, Britton does not disclose each and every limitation of independent claims 1 and 15.

Accordingly, amended independent claims 1 and 15 are patentable over Britton. Claims 2, 4, 16, and 18 depend, either directly or indirectly, from claims 1 and 15 and thus are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 5, 6, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Britton in view of U.S. Patent Publication 2002/0128908 (hereinafter “Levin”). By way of this reply, claims 5, 6, 19, and 20 have been cancelled and thus the rejections as to those claims are moot.

Claims 3, 7-14, 17, and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Britton in view of U.S. Patent No. 6,901,429 issued to Dowling et al. (hereinafter “Dowling”). For the reasons set forth below, this rejection is respectfully traversed.

As discussed above, amended independent claims 1 and 15 are patentable over Britton because Britton fails to disclose an attribute and the process of selecting an attribute, as recited in the claims. Dowling does not teach or suggest what Britton lacks. Like independent

claims 1 and 15, independent claim 8 also recites an attribute. Accordingly, independent claim 8 is also patentable over Britton and Dowling.

Britton and Dowling, whether viewed separately or in combination, do not teach or suggest each and every limitation of independent claims 1, 8, and 15. Thus, amended independent claims 1, 8, and 15 are patentable over Britton and Dowling. Claims 3, 7, 9-14, 17, and 21-23 depend, either directly or indirectly, on claims 1, 8, and 15 and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

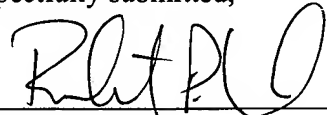
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/513001).

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Respectfully submitted,

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